IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

MONDAY, THE 7TH AUGUST 2006 / 16TH SRAVANA 1928

Bail Appl..No. 4814 of 2006

CMP.3175/2006 of J.M.F.C., ADOOR
CRIME NO. 51/2006 OF EXCISE RANGE, ADOOR

.....

PETITIONER/ACCUSED (IN CUSTODY):

AMBUJAKSHAN, S/O. THANKAPPAN,
AGED 25 YEARS, AMBUJAKSHA BHAVAN,PALLICKAL VILLAGE
PAZHAKULAM P.O., ADOOR.

BY ADV. SRI.BECHU KURIAN THOMAS
SRI.ROSHEN.D.ALEXANDER

RESPONDENTS: COMPLAINANT:

STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM (THROUGH EXCISE
INSPECTOR OF POLICE, ADOOR EXCISE RANGE).

BY PUBLIC PROSECUTOR P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 07/08/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A. 4814/2006

DATED THIS THE 7TH DAY OF AUGUST, 2006

O R D E R

The petitioner is in judicial custody from 18.7.2006, as he was found in illegal possession of twenty liters of wash. The Excise Range Inspector of Adoor, registered C.R.No.51/2006, under Section 55(g) of the Abkari Act. The application, filed before the Court below, was rejected. Hence he continues to be in jail.

2. When the application came up for consideration, the learned counsel for the petitioner produced the discharge data of the petitioner, that the petitioner was admitted on 23.6.2004 and discharged on 30.6.2004, in the Department of Respiratory Medicine, Medical College, Thiruvnanthapuram, as he was suffering from Pulmonary Tuberculosis and the sputum examination was found positive. Other details also show that he is a regular smoker, used to alcoholics and intake narcotic drugs. A person with such habits and having travelling connections with Mumbai, as stated by the doctor, who

had treated the petitioner while in the hospital, has to avoid contacts with other persons, in the jail.

3. After hearing both sides and having perused the materials on record, I grant bail and release the petitioner from jail, subject to the following conditions:-

(a). The petitioner shall execute a bond for Rs.25,000/-, with two solvent sureties, each for the like sum, to the satisfaction of the Judicial Magistrate of First Class, Adoor.

(b). The petitioner shall report before the Investigating Officer, once in a week on every Thursday, between 10.00 a.m and 11.00 a.m., for a period of three months, starting from 10.8.2006, and thereafter, once in a month, till the final trial and disposal of the Sessions Case.

The application is allowed as above.

J.M.JAMES
JUDGE

mrcs